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Paper No. 10

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In re Application of
Gail Huang
Application No. 10/025,981
Filed: December 26, 2001
Attorney Docket Number: 91436-349

OFFICE OF PETITIONS
DECISION ACCORDING STATUS
UNDER 37 C.F.R. §1.47(b)

This is in response to the renewed petition for status under 37 C.F.R. §1.47(b), filed October 28, 2002.

The petition is **GRANTED**.

The above-identified application was filed on December 26, 2001, without an executed oath or declaration, and naming Gail Huang as the sole inventor. Accordingly, on February 5, 2002, a Notice to File Missing Parts of Application - Filing Date Granted was mailed, requiring applicant to submit for the purposes of this decision an executed oath or declaration and pay a surcharge for late filing. The Notice set an extendable two month period for reply. A petition filed under 37 CFR 1.47(b) was dismissed on August 29, 2002.

In response, on May 3, 2002, and supplemented on October 28, 2002 applicant filed:

- correspondence with non-signing inventor,
- employment agreement between Bell-Northern Research and Gail Huang,
- declaration and power of attorney signed by Angela De Wilton, Director for Intellectual Property,
- the surcharge under 1.16(e) for late filing, and
- a petition (and fee) under §1.47(b).

Applicant has satisfied the requirements of §1.47(b)¹. Applicant, by declaration of persons with first hand knowledge and documentary evidence, demonstrated that the non-signing inventor had been presented with a copy of the application papers for signature and that she has refused by statement and conduct to sign the declaration. Applicant submitted a declaration signed by, Angela De Wilton, Director for Intellectual Property. This declaration has been reviewed and is found in compliance with 1.63 and 1.64. Applicant paid the petition fee and included a statement of the non-signing inventor's last known address in the petition. The employment agreement and documents which establish the chain of ownership establish the applicant's proprietary interest in the application.

This application is hereby accorded Rule 1.47(b) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to

¹ A grantable petition under 37 C.F.R. §1.47(b) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration; (2) an acceptable oath or declaration; (3) the petition fee; (4) a statement of last known address of the non-signing inventor; (5) proof of proprietary interest; and (6) proof of irreparable damage.

the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being forwarded to the Office of Initial Patent Examination for further processing of the application.

Telephone inquiries regarding this decision should be directed to Petitions Attorney Charlema R. Grant at (703) 306-0251.



Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy